

VICE

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VIAFEDEX

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Beltran-Levya, et al. 09-cr-466 - Sealing and Redaction of Court Records

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HON. Brian M. Cogan
JAN 03 2019

Dear Judge Cogan,

I am writing on behalf of Vice Media LLC ("Vice") to join the requests of The New York Times Company, made in its letter dated December 21,2018:

- (1) that the Court direct the parties to unseal any fully or partially sealed filings on the docket or provide specific and compelling reasons for the redactions; direct the parties to file publicly-available versions of all future sealed filings, with redactions justified by specific and compelling reasons; and direct the parties to unseal any redactions once the circumstances justifying the redactions have passed;
- (2) when the posting of order to the docket is delayed for the review of sensitive information, that the Court provide brief descriptions on the docket at the same time the orders are initially issued to the parties; and
- (3) that portions of the transcript reflecting sidebar conversations be made available to the public, to the extent the sealing of such conversations does not meet the stringent standards of the First Amendment and the common law.

As the New York Times Company has emphasized, the standard for sealing under the First Amendment is stringent and the public's right of access is infringed even where information is unavailable only temporarily. See *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126-27 (2d Cir. 2006). The granting of the above requests also would be consistent with Your Honor's previous orders in this case. *United States v. Loera*, 2018 WL 906846 at *5 (E.D.N.Y. Nov. 11,2018) (sealing records appropriate where there are "specific, on the record findings .. demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest"); Dkt. 520 ("balance the need to protect the witness's identity and the public's interest in accessing judicial documents, the original order will be unsealed after the cooperating witness testifies. ").

Thank you very much for your consideration of this matter.

Respectfully Submitted,



Yonatan Berkovits

Vice-President, Business & Legal Affairs
Vice Media LLC